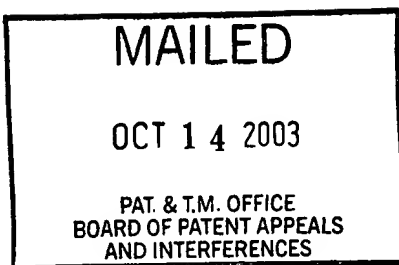


UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---



Ex parte KYOKO HIGASHINO  
and  
KATSUMI ADACHI

---

Appeal No. 2003-2071  
Application 09/625,993

---

ORDER REMANDING TO EXAMINER

---

On September 30, 2003, a facsimile of the June 18, 2003 Reply Brief was filed (Paper No. 28) in response to the Examiner's Answer mailed April 18, 2003 (Paper No. 26). However, there is no indication in the record of whether or not the examiner has considered the Reply Brief. Section 1.193(b)(1) of the Code of Federal Regulations (2002) states:

(b)(1) Appellant may file a reply brief to an examiner's answer within two months from the date of such examiner's answer. . . . The primary examiner must either acknowledge receipt and entry of the reply brief or withdraw the final rejection and reopen prosecution to respond to the reply brief.

Appeal No. 2003-2071  
Application 09/625,993


Accordingly, it is

ORDERED that the application is remanded to the Examiner for proper response to the Reply Brief filed September 30, 2003 (Paper No. 26) and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
KIMBERLY JORDAN  
Program and Resource Administrator  
(703) 308-9797

KJ:psb

cc: Sughrue Mion Zinn MacPeak & Seas  
2100 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037